

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed July 21, 2009. Claims 22, 28, 40, 60 and 77-83 were allowable. Claims 1-21, 23-37, 36-39, 41-59, 61-68 and 84 were rejected.

Claims 1-28, 36, 38, 40-55, 57-59, 61-68, 77-89 remain in the application. Claims 37, 39, 56 and 60 have been canceled without prejudice. Claims 29-35 and 69-76 were previously canceled. Claims 1, 36, 38, 40, 42, 54 and 59 have been amended. Claims 38 and 40 have only been amended to correct dependency. Support for the amendment to claim 42 is found in the specification at page 10, lines 29-33. New claims 85-89 have been added. Support for new claim 85 is found in the specification at page 9, line 24 – page 10, line 20; and FIGs. 3 and 4. Support for new claims 86-89 is found in original claims 1, 20, 22, 38, 40 and 41.

The indication of allowable claims 77-83, and the indication of allowable subject matter in claims 22, 28, 40 and 60, if rewritten in independent form, is acknowledged with appreciation.

Therefore, new independent claim 86 has been added to include the allowable subject matter of allowable claim 22, with original claim 1 and intervening claim 20. New dependent claims 87-89 correspond to original claims 38, 40 and 41. Therefore, claims 86-89 are allowable.

Similarly, independent claim 36 has been amended to include dependent claim 39 (similar to allowed claim 22), and intervening claim 37. Therefore, independent claim 36, and dependent claims 38 and 41, are believed to also be in condition for allowance.

In addition, independent claim 59 has been amended to include the allowable subject matter of allowable claim 60. Therefore, claims 59 and 61-68 are allowable.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 25, 27, 59, 65 and 66 (including independent claims 1 and 59) were rejected under 35 U.S.C. § 102(b) as being anticipated by Shehada.

As described above, independent claim 59 has been amended to include the allowable subject matter of allowable claim 60. Therefore, claims 59, 65 and 66 are allowable.

The Shehada reference fails to disclose a table and a bath vertically displaceable with respect to one another to a raised position with the breast elevated above the medium of the bath. The Shehada reference discloses a movable chamber 108 carrying transducers within a stationary chamber 107 filled with fluid 109, apparently to reduce movement of the breast due to currents in the fluid due to movement of the transducers. [0005, 0044-0046] Although the transducers, and thus the movable chamber, move vertically during scanning, the breast remains in the liquid. The Shehada reference makes no disclosure regarding elevating the breast from the liquid.

In contrast, independent claim 1 sets forth:

"the table and the bath being linearly vertically displaceable with respect to one another between 1) a lowered position where the table is adjacent the bath with the breast within the bath, and 2) a raised position where the table is spaced-above the bath with the breast elevated above the medium of the bath." (emphasis added)

The element of a raised position of the table elevating the breast above the medium is not taught in the Shehada reference, and provides the advantage of allowing access to the breast by a technician or physician, such as to center the breast or draw the breast further through the aperture in the table. Page 10, lines 6-13.

Therefore, Applicant respectfully submits that claims 1, 25 and 27 are allowable, and urges the Examiner to withdraw the rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 3 and 26 were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Shelby '186.

As discussed above, the Shehada reference fails to teach or suggest a table with a raised position with the breast elevated above the medium of the bath, as recited by claim 1. The Shelby '186 reference fails to overcome this deficiency. The Shelby '186 reference discloses moving the patient table for "repositioning the patient while maintaining the anatomy in the imaging field." Col. 4, lines 10-12; col. 8, lines 57-61. Neither Shehada nor Shelby '186 teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1. Therefore, claims 2, 3 and 26 are allowable for at least their dependence on claim 1.

Furthermore, Applicant notes that Shelby '186 teaches to only slightly move the table to maintain the patient anatomy in the imaging field, and thus and thus any aperture in the table over any bath; not a table and bath that are horizontally displaceable to a non-scan position in which the aperture is displaceable horizontally spaced-apart from the bath, as recited by claim 26.

Claims 4, 42 and 61 (including independent claim 42) were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Marmarelis.

Claim 61 is allowable for at least its dependence on allowable claim 59.

Claim 4 is allowable for at least its dependence on allowable claim 1. Neither Shehada nor Marmarelis teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1.

With respect to independent claim 42, neither Shehada nor Marmarelis teach or suggest a "plurality of table inserts, each insertable into the cavity of the table to be flush with the table," as recited by claim 42. Therefore, Applicant respectfully submits that claim 42 is allowable, and urges the Examiner to withdraw the rejection.

Claims 5-11, 13-16, 43-54, 56, 58, 62 and 67 (including independent claim 46, 50, 54) were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Gardineer '880.

Claims 5-11 and 13-16 are allowable for at least their dependence on allowable claim 1. Neither Shehada nor Gardineer teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1.

Claims 43-45 are allowable for at least their dependence on allowable claim 1. Neither Shehada nor Gardineer teach or suggest a plurality of table inserts insertable into the cavity of the table to be flush with the table, as recited by claim 42.

With respect to independent claim 46, neither Shehada nor Gardineer '880 teach or suggest an annular projection formed around the aperture in the table and extending beyond a lower surface of the table, as recited by claim 46. Therefore, Applicant respectfully submits that claims 46-49 are allowable, and urges the Examiner to withdraw the rejection. (In case the Office Action was referring to Gardineer '222, Applicant notes that Gardineer '222 also fails to teach or

suggest an annular projection formed around the aperture in the table and extending beyond a lower surface of the table. Furthermore, Applicant notes that in FIG. 11 of Gardineer '222, no portion of the table appears to form an annular projection extending beyond a lower surface of the table.)

With respect to independent claim 50, neither Shehada nor Gardineer '880 teach or suggest a counter-bore formed in a lower surface of the table around the aperture to receive an upper portion of the bath when the table is in the lowered position, as recited by claim 50. Therefore, Applicant respectfully submits that claims 50-53 are allowable, and urges the Examiner to withdraw the rejection. (In case the Office Action was referring to Gardineer '222, Applicant notes that Gardineer '222 also fails to teach or suggest a counter-bore formed in a lower surface of the table around the aperture to receive an upper portion of the bath when the table is in the lowered position. Furthermore, Applicant notes that in FIG. 11 of Gardineer '222, the tank is shown to the lower surface of the table, and does not extend beyond a lower surface of the table.)

With respect to independent claim 54, neither Shehada nor Gardineer '880 teach or suggest a seal compressible between the bath and the table in the lowered position, as recited by claim 54. Therefore, Applicant respectfully submits that claims 54 and 58 are allowable, and urges the Examiner to withdraw the rejection. (With respect to the rejection of claim 56 in view of Shehada in view of Gardineer '880 in view of Shelby '066, Applicant notes that none of these references teach or suggest a seal compressible between the bath and the table in the lowered position.)

Claims 62 and 67 are allowable for at least their dependence on allowable claim 59.

Claim 12 was rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Gardineer '880 in view of Shiue.

Claim 12 is allowable for at least its dependence on allowable claim 1. Neither Shehada nor Gardineer nor Shiue teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1.

Claims 16, 17, 23, 55, 56, 63, 64 and 84 (including independent claim 84) were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Gardineer '880 in view of Shelby '066.

Claims 16, 17 and 23 are allowable for at least their dependence on allowable claim 1. Neither Shehada nor Gardineer nor Shelby '066 teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1. Furthermore, neither Shehada nor Gardineer nor Shelby '066 teach or suggest a seal compressible between the bath and the table in the lowered position, as recited by claim 17.

Claim 55 is allowable for at least its dependence on independent claim 54. Neither Shehada nor Gardineer nor Shelby '066 teach or suggest a seal compressible between the bath and the table in the lowered position, as recited by claim 54.

Claims 63 and 64 are allowable for at least their dependence on allowable independent claim 59.

With respect to independent claim 84, neither Shehada nor Gardineer nor Shelby '066 teach or suggest initially more rapidly scanning a larger length of the breast to identify an area of interest, and subsequently more slowly scanning a smaller length of the breast around the area of interest, as recited by claim 84. Therefore, Applicant respectfully submits that claim 84 is allowable, and urges the Examiner to withdraw the rejection.

Claims 18 and 57 were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Shank.

Claim 18 is allowable for at least its dependence on allowable claim 1. Neither Shehada nor Shank teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1.

Claim 57 is allowable for at least its dependence on allowable claim 54. Neither Shehada nor Shank teach or suggest a seal compressible between the bath and the table in the lowered position, as recited by claim 54.

Claims 19, 36 and 41 (including independent claim 36) were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Shelby '855.

Claim 19 is allowable for at least its dependence on allowable claim 1. Neither Shehada nor Shelby '855 teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1.

As discussed above, independent claim 36 is allowable. Neither Shehada nor Shelby '855 teach or suggest a rod attached to the bath magnet and vertically movable within the bath, as recited by claim 36. Claim 41 is allowable for at least its dependence on claim 36.

Claims 20, 21, 37 and 38 were rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Shelby '855 in view of Samuels.

Claims 20 and 21 are allowable for at least their dependence on allowable claim 1. Neither Shehada nor Shelby '855 nor Samuels teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1. Furthermore, none of the references teach or suggest a beveled cup as recited by claim 21.

Claim 38 is allowable for at least its dependence on allowable claim 36. Neither Shehada nor Shelby '855 nor Samuels teach or suggest a rod attached to the bath magnet and vertically movable within the bath, as recited by claim 36. Furthermore, none of the references teach or suggest a beveled cup as recited by claim 38.

Claim 24 was rejected under 35 U.S.C. § 103 as being unpatentable over Shehada in view of Gardineer '222.

Claim 24 is allowable for at least their dependence on allowable claim 1. Neither Shehada nor Gardineer '222 teach or suggest a table and bath with a raised position with the breast elevated above the medium of the bath, as recited by claim 1.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-28, 36, 38, 40-55, 57-59, 61-68, 77-89 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Five claims were added (claims 85-89), including one independent claim (claim 86), while nineteen claims were canceled (29-35, 37, 39, 56, 60 and 69-76), including two independent claims (claims 29 and 69). Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 21st day of October, 2009.

Respectfully submitted,

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